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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,469	09/24/2001	Stephen J. Benkovic	6460-18-1	1582

7590 04/22/2005

Akerman Stenterfitt & Eidson  
Post Office Box 3188  
West Palm Beach, FL 33402-3188

EXAMINER
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FRONDA, CHRISTIAN L

ART UNIT	PAPER NUMBER
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1652

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



# UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20231  
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APPLICATION NO. /CONTROL NO. 09/868,469	FILING DATE 9/24/2001	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION Benkovic et al.	ATTORNEY DOCKET NO. 6460-18-1
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EXAMINER

ART UNIT

PAPER

1652

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 1(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821 through 1.825 for the reason(s) set forth on the Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR §1.821(g). Extensions of time obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for beyond the six-month statutory period. Applicant is requested to return a copy of the attached Notice to comply with the response.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio

(<<<http://www.uspto.gov/ebe/efs/downloads/documents.htm>>>, EFS Submission User Manual - ePAVE)

2. Mailed to:

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 22313-1450  
Alexandria, VA 22313-1450

3. Mailed by Federal Express, United Parcel Service or other delivery service to:


U. S. Patent and Trademark Office  
Box Sequence, Room 1B03-Mailroom  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

4. Hand Carried directly to the Customer Window at:

Patent and Trademark Office  
Sequence, Customer Window, Lobby, Room 1B03  
Crystal Plaza Two  
220 20<sup>th</sup> Street S.  
Arlington, Virginia 22202

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian L Fronda whose telephone number is (571)272 0929. The examiner can normally be reached Monday-Friday between 9:00AM 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura N Achutamurthy can be reached on (571)272 0928. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair.direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866 217 9197 (toll free).

  
MANJUNATH N. RAO, PH.D.  
PRIMARY EXAMINER

<b>Notice to Comply</b>	<b>Application No.</b> 09/868,469	<b>Applicant(s)</b> Benkovic et al.	
	<b>Examiner</b> Christian L. Fronda	<b>Art Unit</b> 1652	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Applicant must file the items indicated below within the time period set in the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☒ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other:

**Applicant Must Provide:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (571) 272-2510

For CRF Submission Help, call (571) 272-2501/2583.

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**

- ☒ **Attachments** Raw Sequence Listing Error Report 03/31/2005.

## STIC Biotechnology Systems Branch

### RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number:

09/868,469

Source:

IFW/16

Date Processed by STIC:

3-31-05

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.2.2 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses.

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission

User Manual - cPAVE)

2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):

U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

Revised 01/24/05

# Raw Sequence Listing Error Summary

## ERROR DETECTED

## SUGGESTED CORRECTION

SERIAL NUMBER: 09/868,469

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS WHICH WERE INSERTED BY PTO SOFTWARE

1. Wrapped Nucleics  
Wrapped Aminos

The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to J; this will prevent "wrapping."

2. Invalid Line Length

The rules require that a line not exceed 72 characters in length. This includes white spaces.

3. Misaligned Amino  
Numbering

The numbering under each 5<sup>th</sup> amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.

4. Non-ASCII

The submitted file was not saved in ASCII (DOS) format as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.

5. Variable Length

Sequence(s) contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <220>-<223> section that some may be missing.

6. PatentIn 2.0  
"bug"

A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s). Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies to the mandatory <220>-<223> sections for Artificial or Unknown sequences.

7. Skipped Sequences  
(OLD RULES)

Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO X (insert SEQ ID NO where "X" is shown)  
(1) SEQUENCE CHARACTERISTICS (Do not insert any subheadings under this heading)  
(41) SEQUENCE OF DESCRIPTION SEQ ID NO X (insert SEQ ID NO where "X" is shown)  
This sequence is intentionally skipped

Please also adjust the "(1) NUMBER OF SEQUENCES" response to include the skipped sequences.

8. Skipped Sequences  
(NEW RULES)

Sequence(s) missing. If intentional, please insert the following lines for each skipped sequence:  
<210> sequence id number  
<400> sequence id number  
000

9. Use of n's or Xaa's  
(NEW RULES)

Use of n's and/or Xaa's have been detected in the Sequence Listing. Per 1.823 of Sequence Rules, use of <220>-<223> is MANDATORY if n's or Xaa's are present. In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

10. Invalid <211>  
Response

Per 1.823 of Sequence Rules, the only valid <211> responses are Unknown, Artificial Sequence, or scientific name (Genus/species). <220>-<223> section is required when <211> response is Unknown, Artificial Sequence.

11. Use of <220>

Use of <220> to <223> is MANDATORY if <211> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <223> section. (See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)

12. PatentIn 2.0  
"bug"

Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.

13. Misuse of n/Xaa

"n" can only represent a single nucleotide; "Xaa" can only represent a single amino acid



IFW16

## RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/868,469

DATE: 03/31/2005

TIME: 15:13:48

Input Set : A:\PTO.SR.txt

Output Set: N:\CRF4\03312005\I868469.raw

5 <110> APPLICANT: THE PENN STATE RESEARCH FOUNDATION  
 9 <120> TITLE OF INVENTION: Cyclic Peptides  
 13 <130> FILE REFERENCE: 6460-18  
 C--> 17 <140> CURRENT APPLICATION NUMBER: US/09/868,469  
 C--> 17 <141> CURRENT FILING DATE: 2001-09-24  
 17 <160> NUMBER OF SEQ ID NOS: 7  
 21 <170> SOFTWARE: PatentIn version 3.0

## ERRORED SEQUENCES

263 <210> SEQ ID NO: 7  
 265 <211> LENGTH: 522  
 267 <212> TYPE: DNA  
 269 <213> ORGANISM: Artificial Sequence  
 273 <220> FEATURE:  
 275 <221> NAME/KEY: misc\_feature  
 277 <223> OTHER INFORMATION: pARCP2-6H  
 281 <400> SEQUENCE: 7  
 282 atggttaaag ttatcggtcg tcgttccctc ggagtgcaaa gaatatttga tattggtctt 60  
 284 ccccaagacc ataattttct gctagccaat ggggcgatcg cccacaattg tcatatgcac 120  
 286 caccaccacc accatggggc aggtgctgca tgcctcagtt ttggcaccga aattttaacc 180  
 288 gttgagtacg gccattgcc cattggcaaa attgtgagtg aagaaattaa ttgttctgtg 240  
 290 tacagtgttg atccagaagg gagagtttac acccaggcga tcgccaatg gcatgaccgg 300  
 292 ggagagcagg aagtattgga atatgaattg gaagatgggt cagtaatccg agctacctct 360  
 294 gaccaccgct ttttaaccac cgattatcaa ctggtggcga tcgaagaaat ttttgctagg 420  
 296 caactggact tgttgacttt agaaaatatt aagcaaactg aagaagctct tgacaaccat 480  
 298 cgtotteeet ttccattact tgacgctggg acaattaaat aa 522  
 E--> 301 {WP213126;1}

Does Not Comply  
 Corrected Diskette Needed

(pg. 1-2) @

pls delete

09/868, 469

PAGE 2

<210> 3

<211> 14

<212> PRT

<213> Artificial Sequence

What is the source of  
Genetic material.

<220>

<221> misc\_feature

<223> CHMHGHHHGGAGAA

Invalid  
response

see item # 11 on  
error summary  
sheet.

<400> 3

Cys His Met His His His His His Gly Ala Gly Ala Ala  
1 5 10

↑  
The type of errors shown exist throughout  
the Sequence Listing. Please check subsequent  
sequences for similar errors.

## VERIFICATION SUMMARY

PATENT APPLICATION: US/09/868,469

DATE: 03/31/2005

TIME: 15:13:49

Input Set : A:\PTO.SR.txt

Output Set: N:\CRF4\03312005\I868469.raw

L:17 M:270 C: Current Application Number differs, Replaced Current Application No  
L:17 M:271 C: Current Filing Date differs, Replaced Current Filing Date  
L:301 M:254 E: No. of Bases conflict, LENGTH:Input:0 Counted:527 SEQ:7  
L:301 M:320 E: (1) Wrong Nucleic Acid Designator, NUMBER OF INVALID KEYS:11  
L:301 M:112 C: (48) String data converted to lower case,  
L:301 M:252 E: No. of Seq. differs, <211> LENGTH:Input:522 Found:527 SEQ:7